

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: MARY S. WEST

Debtor

NO. 12-01134-NPO

MARY S. WEST

PLAINTIFF

VERSUS

ADVERSARY NO. _____

GJ TAX SALE PROPERTIES, LLC; JEREMY
EPHION, WILKINSON COUNTY TAX
ASSESSOR/COLLECTOR; THOMAS C.
TOLLIVER, JR., WILKINSON COUNTY
CHANCERY CLERK

DEFENDANTS

COMPLAINT TO SET ASIDE TAX SALE

Comes now MARY S. WEST, by and through her attorney, and bring this her
Complaint to Set Aside Tax Sale:

1. The Court has jurisdiction pursuant to 28 U.S.C. Section 1334, 28 U.S.C. Section 151 et seq., and 11 U.S.C. Section 101 et seq. Venue is appropriate pursuant to 28 U.S.C. Section 1409.

2. The matter is a core proceeding pursuant to 28 U.S.C. Section 157(B)(2).

3. This motion is brought pursuant to 11 U.S.C. Section 362(a)(3) et seq; 11 U.S.C. Section 362(k); 11 U.S.C. Section 105(a); and Rule 7001 F.R. Bankr.P.

4. Plaintiff, in the debtor is this action.

5. Defendants GJ TAX SALE PROPERTIES, LLC is the purchaser of the subject property at the tax sales and can be served on its registered agent, Bob Smith at 2623 Myrtlewood Dr., P.O. Box 8293, Meridian, MS 39307.

6. JEREMY EPHION, WILKINSON COUNTY TAX ASSESSOR/COLLECTOR; and THOMAS C. TOLLIVER, JR., WILKINSON COUNTY CHANCERY CLERK can be served at their mailing addresses P.O. Box 516, Woodville, MS 39669 for the THOMAS C. TOLLIVER, JR. And P.O. Box 695, Woodville, MS 39669 for JEREMY EPHION.

7. That the Chancery Clerk and/or Tax Assessor/Collector of Wilkinson County,

Mississippi, is attempting to transfer property that is an asset of the bankruptcy estate even though it is provided to be paid in the plan in violation of the automatic stay and the tax sale should be set aside. Further, under Section 27-43-1 and Section 27-43-3 of the Mississippi Code of 1972, as amended, the tax sale has been done improperly with notices given in an improper manner. The last Notice of the tax sale was provided after the expiration of the time of redemption, therefore the tax sale should be set aside.

WHEREFORE, PREMISES CONSIDERED, Debtor request that this court set aside the TAX SALE in August of 2012, respecting the real property of debtor, and grant such other and further relief as may be just and proper.

MARY S. WEST

By: /s/ Richard R. Grindstaff
RICHARD R. GRINDSTAFF

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